

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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IN THE MATTER OF A JOINT COMPLAINT)
BY PSI ENERGY, INC. D/B/A DUKE ENERGY)
INDIANA, INC. AND INDIANA GAS)
COMPANY, INC. D/B/A VECTREN ENERGY)
DELIVERY OF INDIANA, INC. AGAINST)
THE TOWN OF PLAINFIELD, INDIANA)
PURSUANT TO IND. CODE § 8-1-2-101, AND)
- 61 CONCERNING ORDINANCE NUMBER)
46-2005, AND AGAINST THE 2004)
PLAINFIELD COMMUNITY HIGH SCHOOL)
BUILDING CORPORATION AND THE)
PLAINFIELD COMMUNITY SCHOOL)
CORPORATION PURSUANT TO)
170 I.A.C. 4-1-28 AND 170 I.A.C. 5-1-26, AND)
IND. CODE § 8-1-2-61)

CAUSE NO. 43070

DISMISSAL ORDER

RESPONDENTS:)
TOWN OF PLAINFIELD, INDIANA)

APPROVED: MAR 22 2007

2004 PLAINFIELD COMMUNITY HIGH)
SCHOOL BUILDING CORPORATION)

PLAINFIELD COMMUNITY SCHOOL)
CORPORATION)

BY THE COMMISSION:

David E. Ziegner, Commissioner

Abby R. Gray, Administrative Law Judge

On June 9, 2006, Joint Petitioners, PSI Energy, Inc. d/b/a Duke Energy Indiana, Inc., ("Duke Energy Indiana") and Indiana Gas Company, Inc. d/b/a Vectren Energy Delivery of Indiana, Inc. ("Vectren") filed their Verified Complaint with the Indiana Utility Regulatory Commission ("Commission") in this matter.

On July 13, 2006, Respondent, Town of Plainfield, Indiana ("Plainfield") filed its *Motion to Dismiss or, in the Alternative, to Stay Proceedings*. On July 17, 2006, Respondents, 2004 Plainfield Community High School Building Corporation ("Building Corporation") and Plainfield Community School Corporation ("PCSC") filed their *Joinder in Town of Plainfield's Motion to Dismiss or, in the Alternative, to Stay Proceedings*. On July 26, 2006, Joint Petitioners filed their *Response to Respondents' Motion to Dismiss, or in the Alternative, to Stay Proceedings*. On August 2, 2006, Respondent, Town of Plainfield, Indiana ("Plainfield") filed its

Reply in Support of Motion to Dismiss or, in the Alternative, to Stay Proceedings. On August 15, 2006, Respondent, Plainfield filed its *Notice of Related Ruling*.

The Presiding Officers scheduled oral argument on the *Motion to Dismiss*. On September 19, 2006, Respondent, Town of Plainfield, Indiana ("Plainfield"), Petitioner PSI Energy, Inc. d/b/a Duke Energy Indiana, Inc. and Petitioner Indiana Gas Company, Inc. d/b/a Vectren Energy Delivery of Indiana, Inc. filed their *Joint Motion to Continue Oral Argument and Preliminary Hearing* ("Motion") in this Cause. In their Motion the parties jointly moved the Commission to continue the oral argument and preliminary hearing on Plainfield's Motion to Dismiss, or in the Alternative, Stay Proceedings.

The parties informed the Commission that mediation was scheduled. Therefore, in order to allow mediation to move forward, the oral argument and preliminary hearing was continued to January 30, 2007. The Parties were required to file a status report on mediation by January 10, 2007. On January 16, 2007, Joint Petitioners filed a *Joint Status Report* informing the Commission that the underlying cases pending in Hendricks County Superior Court were settled in mediation. The *Joint Status Report* stated that although the case had been resolved through mediation, the terms and conditions of the mediation made by Respondents to Joint Petitioners had not yet been satisfied, including reimbursing Joint Petitioners for their costs in having relocated their respective distribution facilities and the elimination of the language in the Town of Plainfield's Ordinance No. 46-2005 regarding the relocation of Joint Petitioners' facilities and the imposition of the expenses for such relocation upon Joint Petitioners. Therefore, a stay was requested.

The Presiding Officers found that a continuance was more appropriate than a stay and continued the hearing to March 13, 2007. On March 9, 2007, a *Joint Stipulation of Dismissal* was filed. Said *Joint Stipulation* was signed by Joint Complainants and all Respondents.


Therefore, based upon the *Joint Stipulation of Dismissal* and the outcome of mediation, the Commission finds that this docket should be dismissed.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. This Cause is hereby dismissed.
2. This Order shall be effective on and after the date of its approval.

GOLC, LANDIS, SERVER AND ZIEGNER CONCUR; HARDY ABSENT:
APPROVED: **MAR 22 2007**

**I hereby certify that the above is a true
and correct copy of the Order as approved.**


Connie S. Childress
Acting Secretary to the Commission